
THE
T R Y A L
O F
WILLIAM TURTON, Esq,
For the MURDER of
JOHN HOLLOWAY, &c.

[Price Six-pence.]

THE
TRIAL
OF
WILLIAM TURTON, Esq.

FOR THE MURDER OF
JOHN HOLLOWAY, &c.

[Price 2s. 6d.]

T H E
T R Y A L *518 f. 9.*
O F *ke*
WILLIAM TURTON, Esq;

For the MURDER of
JOHN HOLLOWAY,

At the ASSIZES held at
O X F O R D,

ON
THURSDAY, the Seventeenth Day of JULY, 1755.

BEFORE THE
Hon^{ble}. Sir MICHAEL FOSTER,

One of the JUSTICES of His MAJESTY's Court of
KING's BENCH.

BEING
An Exact and Impartial ACCOUNT of the Evidence
given on either Side.

Taken down by a Gentleman, as deposed in Court.

L O N D O N :
Printed for E. WITHERS, at the *Seven Stars*, opposite *Chancery-Lane*,
in *Fleet-Street*. 1755.

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WILLIAM TURTON, Esq;

*Counsel for the Prosecution were Messrs. Stow, Penyfton,
and Blackfton.*

Evidences for the Prosecution.

J O H N B E W.

ON the 30th of May 1754, he let Two Post-Chaises to the New Interest, but did not know who went in them. He was ordered to look round the Court, and see if he could not discern any Person in Court, that went into one of the Chaifes. His Behaviour, on this Occasion, was something odd; for he would not look at the Place where the Prisoner stood, though it was very near the Witness.

B

J O H N

JOHN EATON.

That he was in Bew's Yard, and saw a Gentleman, who had on a light-coloured Coat, and a Waistcoat trimmed with a narrow Lace, go into the Post-Chaise with grey Horses: That a Portmanteau was tied before the Chaise, and a Pair of Horse Pistols lay upon the Portmanteau: That the Gentleman desired the Witness to hand the Pistols into the Chaise to him; which the Witness did.

WILLIAM BOSWELL.

That he was at the Mitre Door; saw a Post-Chaise with grey Horses, which was the last in the Procession: That Mr. *Turton* and another Gentleman were in it: That he knew Mr. *Turton* for Seven Years: That he had on a light-coloured Coat, with a red Waistcoat trimmed with a Silver Lace; and Mr. *Turton* sat on the Off-side, or the Right-hand of the Chaise.

The Rev. Mr. THOMAS REES.

That he knew Mr. *Turton*; saw him in the last Post-Chaise in the Cavalcade a little this Side East-gate: That he sat on the Right-hand Side, and had on a light-coloured Coat with a Silver Edging: That going through East-gate saw a Pistol between his Knees, inclining to the left Side; saw no Insult, nor any thing thrown; but heard the usual Cry on such Occasions.

JOSEPH PITTAWAY.

At Queen's College-Gate, saw the last Post-Chaise with grey Horses, and a Gentleman in it, who was called Mr. *Turton*: Witness followed to Magdalen Bridge: That a Pistol was fired off in the last Post-Chaise, on the Right-hand Side, and saw the Boy

Boy fall: That he stood near the hindmost Wheel of the Chaise, and that he, the Witness, was within the Space of Six Yards of the Boy when he fell; and that he knew him: Saw no throwing when the Pistol was fired: That he first saw the Pistol in Mr. Turton's Hand at East-gate; and that there was throwing of Dirt between East-gate and the Bridge; but apprehended the Dirt was thrown at a Man that was behind the Chaise.

THOMAS COWLEY,

Saw the hindmost Post-Chaise between the Bear Inn and Magdalen Bridge; at the Bridge saw a Stop of the Procession, and a Number of People stop there: Saw an Arm, the Sleeve of the Coat of a whitish Colour, with a Pistol put out of the Chaise on the Right-hand, levelled at the Witness's Breast behind the Chaise: Saw the Lad drop near the Witness's Leg, before he heard the Report of the Pistol: That the Witness was so near the Powder it almost blinded him: Saw Two Holes on the Forehead of the Lad over his left Eye, which he believed was done by the Pistol: Saw nothing done at the Bridge by any Person: That he was certain of it.

JOHN HICKMAN.

That he was in his Master's, Mr. Sarney's Yard, on the Bridge: Heard a great Noise, and went to the Gate, and saw the New Interest going by, and a great Mob following: That the Post-Chaise with grey Horses was the last: That a Gentleman in it, on the Right-hand Side, had a red Waistcoat: That he looked out and discharged a Pistol: That the Chaise went on: That the Mob drew back: That he saw the Deceased lie on the Ground: That he saw Dirt threw at the Man who sat on the Chaise behind, and upon, and into the Chaise, on the Bridge: That there were a very great Mob there, and the Chaise was very much covered with Mud.

THOMAS HORNE.

That on the Bridge he saw the last Post-Chaise with grey Horses: That Two Gentlemen were in it; one had a light-coloured Coat, and sat on the Right-hand Side, and a Pistol in his Right-hand: Saw the Pistol fired out of the Right-hand Side, and the Boy shot almost by Mr. Sarney's House, which was about the Middle of the Bridge: Saw him fall, and the Wound where the Bullet went in: That the Witness pointed at the Prisoner, who fired the Pistol and shot the Boy: That some People were there, but the Witness saw nothing done at that Time, nor did he see the Boy throw any Thing: Saw William Robinson, who stood on the Bridge at that Time.

WILLIAM ROBINSON.

That he was on the Bridge close by the last Post-Chaise with grey Horses, on the Left-hand: That Two Gentlemen were in the same, and one had a light-coloured Coat: That he saw the Gentleman on the Right-hand rise from his Seat with a Pistol in his Right-hand, and fired; and then cried out to the Postillion, and bid him drive on as fast as he could, for that they shot at him out of Magdalen College; and that he, the Witness, replied, How can you say so, for you have killed the Man yourself, and I must be a Witness against you. That Witness saw nothing thrown, but saw some Dirt on the Gentleman's Face.

ROBERT SIMMONDS.

That he was at the opposite Side of the Street of the Bear Inn when the last Post-Chaise went out, and that Two Gentlemen were in it: That between King's College and East-gate saw a Pistol within the Chaise held in the Gentleman's Left-hand, who sat on the Right-hand Side: That there was a Disturbance in

in the Street: That a Fellow sat on the End of the Chaise without Breeches, and saw Dirt throw at him: That Witness followed from East-gate to Magdalen Bridge: That he did not see any Person throw Dirt, or any Thing else on the Bridge: That he saw a Gentleman, who had a light-coloured Coat trimmed with a narrow Lace, put a Pistol out of the Chaise and fire, and the Boy drop rather behind the Chaise, on the Right-hand: No Disturbance then: Saw nothing done, nor heard any Thing: That the Witness run back: Came up again to the Boy: The Chaise then gone forward: Saw the Mark on the Boy's Forehead: That his Hat lay by him, and Blood in it: That the Boy was carried to Mr. Glass's the Surgeon: Witness said, that the Boy when he was shot did not stand facing the Chaise, but rather inclining backwards: That a great many People were there, above One Hundred: That Sir *Edward Turner's* and Lord *Parker's* Servants whipped the Mob with long Whips: That this Side East-gate there was hallooing, but not on the Bridge: That there was no Dirt on the Bridge, but Dust. This Witness was interrogated, whether he had any Conversation with any one about hanging the Sheriff in Effigy, and whether he had not at any Time declared, that he helped, pelted, &c. which he denied.

RICHARD DARMAR, the Master of the Boy, was called to identify him:

Who said, That the Boy was his Apprentice for Seven Years; and that he was the Boy that was shot.

SAMUEL GLASS, the Surgeon, and Dr. ALCOCK.

That the Wound was on the Fore-part of the Boy's Head, on the Left Side: That the Bone was fractured, and a little Part of the Bone and Part of the Bullet were beat into the Brain, which was the Cause of his Death.

Counsel

Counsel for the Prisoner were, Mr. Serjeant Haywood, Messrs. Paynton, Morton, Aston, and Nares.

PRISONER, in his own Defence, said:

That from the Throwing of Dirt, Mud, and Stones, and the great Insolence of the Mob, he apprehended his Life to be in the utmost Danger; and, on the Bridge, looked upon himself to be in his last Moments, otherwise he should not have defended himself in the Manner he did; and that the Accident which happened therefrom had been, and always would be, the greatest Concern imaginable, and should rely on his Witnesses to prove the several Facts.

BENJAMIN SHERWOOD, Servant of Lord Parker.

That on the 30th of May 1754, the Cavalcade set out from the Bear Inn in High-street: That going out of East-gate he stayed behind the Cavalcade, and received a Blow with a Stone, from a Chimney-sweeper's Boy, on his Side: That then the last Post-Chaise was entering the Bridge Foot; when he got to the Bridge Foot, he saw Two Bricks, clung together with Mortar, hit Mr. Freeman's Servant: Upon the Bridge was insulted very much with Stones and Dirt, and liked to have been pulled off his Horse, and feared that he should have been thrown over the Bridge: Heard the Mob say, Throw the Sheriff into the River: That the Gentlemen in the last Chaise were very much pelted, and their Faces covered with Dirt: That he thought the Gentlemen in the Chaise, and Servants, in Danger of their Lives: That there were a great Mob, more than One Hundred, who behaved in an outrageous Manner: Saw the Windows of the Chaise broke on the Bridge very little Time before the Pistol fired: Thought the Mob intended to do Mischief:
That

That the Sheriff was in Lord *Parker's* Coach and Six: That the Mob who cried, Throw the Sheriff into the River, were with the last Chaise.

J O S E P H L Y T H A L L.

That he went down the High-street from the Bear Inn: That the Mob waved their Hats: That he overtook them at the Bridge: That there one Man attempted to knock him off his Horse: That no Stones were thrown at him till he came to the Bridge: That the Chaise was very much pelted with Stones and Dirt: That he saw Stones rebound back from the Chaise: That the Witness was within Ten Yards: That the Mob were full of Clamour: That he saw the Deceased gather up Dirt with both his Hands, but did not see him throw at the Chaise: That the Witness himself was very much pelted: Saw several People, Four or Five, hanging behind the Chaise, on the Bridge, with a View, as he believed, either to break it down, or stop it: Apprehended the Gentlemen in the Chaise to be in great Danger of their Lives; and that he desired Persons to be sent for back to assist: That he was just behind the Chaise when the Pistol was fired: That the Chaise was plaistered half over with Dirt: That he apprehended they would have knocked the Gentlemen on the Head, if they had stopped the Chaise; but the Chaise did not stop at all.

WILLIAM LINDSON, Mr. Freeman's Servant.

That his Master, Mr. Freeman, was in a Post-Chaise, the last but One or Two in the Cavalcade: That he was some Time within a Horse's Length, or Three or Four, to his Master's Chaise: That the first Insult the Witness received was at East-gate, and that Insults continued to the Bridge, with Brickbats, Stones, and Sticks: That Witness received a Blow on his Back with something harder than Dirt, on the Bridge, a Minute, or

Two

Two or Three, before the Pistol was fired, which he still felt: That there were great Insults before, and at the Instant the Pistol was fired, as near as he could recollect, and a long Time after: That he thought they were in so much Danger, that he went up to his Master, and told him, That it was better to return and fight than stand and be killed: That Mr. Tilson was in the Chaise with his Master: That a Stone or Brickbat, or some other Thing, hit his Horse's Head, by which his Horse fell, and dismounted him before the Pistol fired.

JOHN GREEN.

That he went from the Bear Inn all the Way to Sherborn: That a great Mob followed: That opposite the Angel a Person began to throw Dirt, and afterwards a great deal of Dirt and Stones were thrown, and the Cry of the Mob was, Toss them over the Bridge: That he saw the Boy take up a Stone on the Bridge, and cried out, Damn them, let us kill them; and threw a Stone, which hit the Leather of the last Chaise, which rebounded back: At that Time the Wheels of the Chaise were at Mr. Sarney's Gate: That the Boy then run forwards Five or Six Yards beyond the Gate, and threw another Stone into the Window of the Off-side of the Chaise; and that, as soon as the last Stone was delivered out of the Boy's Hand, the Pistol went off: That there were a great Concourse of People about the Chaise: That the Witness believed that the Gentlemen were in Danger; and that, if some People had not walked over the Bridge with them, they would have been murdered.

WILLIAM GARFIELD, a Waggoner.

That he saw the Cavalcade at East-gate, and that there were a great Mob: That he himself was knocked down several Times, having the yellow Colour in his Hat: That he saw the
Boy

Boy who was shot throw after the Post-Chaise, between East-gate and the first House on the Bridge.

F R A N C I S H E B E R N.

Saw the Cavalcade set out from the Bear Door: That the Mob began hissing and hallooing: At East-gate there was a great pelting with Mud, Dirt, and Stones: That the last Chaise was most damaged: Saw Bones, Stones, and Brickbats, thrown at that Chaise: Saw a Stone go through the Windows of the Chaise, at the Foot, or on the Bridge: That Two or Three Stones were thrown a few Minutes before the Report of the Pistol: That Witness was about Ten or Twelve Yards off: That the Mob made a Hole in the Street, and took out Stones; and the Cry was, Drive them, Kill them: That he apprehended that the Company were in very great Danger: That the Windows of the Chaise were broke, for he saw a Stone go through the glass Windows; and that he saw Dirt on the Gentleman's Face, who was in the Chaise.

G E O R G E H O W L E T T.

That he mounted at the Bear: That there were a great Mob at East-gate, where they began to halloo, and threw Dirt and Stones, and pursued the Chaise to the Bridge: That the Mob there were very large, and more riotous, and threw Dirt and Stones, crying, Damn 'em, damn 'em, over, over with them: That Witness imagined, that the Gentlemen in the Chaise were in great Danger of their Lives; and apprehended, that he himself should have been knocked off his Horse: That he made forward, and heard the Pistol go off: That he did not see any Thing in particular done by the Boy, the Dirt and Stones flying from every Quarter: That several Persons were hanging about the Chaise, and pulling: That he

C

saw

saw Dirt go into the Chaise ; the Gentlemen very dirty, and the Chaise excessively dirty.

H A N N A H J O N E S.

That she took Notice of the last Post-Chaise : Saw it pass through East-gate : That a great deal of Dirt was thrown at that Chaise, and the Persons in it : Heard a Gentleman say, My Life is as sweet to me as your's is to you : Just after she saw something like a Pistol : That she followed to the Bridge : That a great many Things were thrown, and several laid hold of the Chaise, hard by Mr. Sarney's House, crying, Over with them, over with them : Soon after the Pistol went off.

R I C H A R D H E Y D O N.

That on the Bridge the Chaise was mobed, and pelted with Dirt : That several laid hold of the Chaise, and the Cry was, Damn them, over with them, kill them : Saw the Boy throw twice ; the last a Stone against the Chaise, just on the Bridge : That the Boy kept on, and threw the second Time : Just after the Pistol went off : Thought the Gentlemen in the Chaise in great Danger, and every Man else.

H E N R Y - C U R T I S G R E E N.

That he saw the Boy throw Two Stones, as big as his Hand, at, or in the Post-Chaise ; the first between the Midway of East-gate and the Bridge, the second at the Bridge ; and that he stooped to take up something else, and then the Pistol went off.

M A R G A R E T.

MARGARET SARNER.

That she was at the Window of her House on the Bridge : Saw the New Interest pass by in a peaceable Manner : Heard a confused Noise : That then she stepped into the Court, where she saw a considerable Number of People following, throwing Dirt, and believed, mingled with Stones : That the Mob soon came up with the last Chaise, and surrounded it ; and that the Horses seemed frightened, and turned their Heads to the Wall ; and till then she saw no Disturbance ; and heard the Pistol go off : Saw a Person holding out a Stone, and speak to a Person, and say, He had struck the Dog a devilish Knock with such a Stone, whom (she believed he meant) was a Person in the Chaise, the People having surrounded the Chaise : That she saw a general Insult on that Chaise, by throwing Dirt, mingled with Stones ; and heard a Voice, which, she believed, came from the Chaise, saying, Keep off, keep off, before the Pistol was fired : Soon after the Pistol fired ; upon which some of the Mob ran into her Yard, some another Way, and others pursued.

JOHN SARNER.

That he saw the latter Part of the Cavalcade pass at the Bridge, particularly the last Chaise, on which was a great Insult, pelted with Stones and Dirt : That several Clods and Stones fell into his Yard : Saw a Person take up a large Stone out of his Yard, and follow the Chaise, before the Pistol was fired : That Persons cried out to the Witness, and bid him shut his Windows : That he heard a Cry, Over with 'em, over with 'em : That he was in Pain for the last Chaise, but did not see any Attempt to throw the Chaise over the Bridge : That afterwards he missed several Stones out of his Yard.

ROBERT CURTIS.

That he followed from the Bear : At the Gate the Mob began pelting with Dirt and Pebbles : Saw the Boy pelting at East-gate : That he saw him on the Bridge, on the Left-hand Side of the Chaise, pelting with Stones or Dirt, or any Thing else he could get, aiming at the last Chaise, just before the Pistol went off.

RICHARD TAYLOR.

That he saw the Boy on the Bridge throw Dirt or Stones twice at the Chaise with grey Horses : Heard the Pistol go off presently after the second Throwing, but don't know whether he hit the Chaise.

Mr. FREEMAN.

That he was in one of the Post-Chaises, the last but one : That his Servant came up to him, and advised him to return back, as his Servant had before related : That there was a violent Insult, and that they were in great Danger : That he got out of his Chaise at East-gate ; and that a Person threw Dirt in his Face : That at the Bridge several Stones came against the Back of his Chaise.

Mr. TILSON.

That he was in the Chaise with Mr. Freeman : That from the Bear they were followed by a great Mob : That between the Angel and East-gate, a Person took up Mud, and threw it at Mr. Freeman's Face : Said, that Mr. Freeman's Servant told his Master the same he swore now : And apprehended, that the last Chaise was in great Danger.

MARY

MARY-FRAMEWAY WALKER.

This Witness was called in order to contradict the Witness *Robert Simmonds*. She said, that she heard *Robert Simmonds* declare, That he was with some of his Companions to hang the High Sheriff in Effigy: That he helped, pelted, &c. And that after the Boy was shot, he would have run after, and murdered the Gentleman, but could not get at him.

WILLIAM GOODGAME.

This Witness was called on the Part of the Prosecution, in order to contradict the Witness *Hannah Jones*, and to shew what she had sworn could not be true. He said, That he lived about Forty Yards from the Witness *Hannah Jones*, and was at Work in a Shop on the other Side of the Bridge, and that he saw her standing opposite to the Shop about a Quarter of an Hour, at the Time the first Part of the Equipages were going over the Bridge.

Upon which *Hannah Jones*, in order to shew that this Witness must be mistaken, appealed to a Gentleman in Court, and said, Sir, Did not you look out of your Coach Three or Four Times before you came to the Bridge? And the Gentleman replied, That he did.

Upon this Evidence it was apprehended, that every Gentleman at the Bar were of Opinion, that the Prisoner was not guilty of MURDER.

The Judge, after he had summed up the Evidence, directed the Jury, That if they did believe, that the Prisoner was pelted by the Mob in the Manner the Witnesses had declared, at or near the Time the Pistol was fired, and that the Boy was concerned in the Outrage, though the Prisoner was not in Danger of his Life, they must acquit the Prisoner of MURDER, and find him guilty of MANSLAUGHTER.

But

But if they did believe, upon the whole Evidence, that the Prisoner was in real Danger of his Life, and that he had just Reason so to apprehend; and also, that the Deceased took the Part in the Outrage sworn to by the Prisoner's Witnesses; they must acquit him: For he told them, that he was of Opinion, If a Person, or a Number of Persons, assault another with an Intention to murder him (and the Intentions of the Heart may be safely collected from Words or Actions) the Person so assaulted may justify the killing the Assailants, or any of them: For where an Assault is made with an Intention to commit a known Felony, be it Murder, Robbery, or a Rape, the Person so assaulted need not retire, if that was possible, but may repel Force with Force, in Defence of Life in the First Case; Property in the Second; and Honour in the Third.

The Jury, without going from the Bar, soon acquitted the Prisoner.

F I N I S.

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